

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6050 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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PADMABEN GAUTAMBHAI BHATT

Versus

I.O.C

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Appearance:

MR AD MITHANI for Petitioner

MR PK JANI for Respondent No. 4

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/09/96

ORAL JUDGEMENT

Heard learned counsel for the parties. The petitioner has challenged, by this Special Civil Application, the selection of respondent No.4 for grant of distributorship of (Liquid Petroleum Gas) L.P.G. One contention raised by the learned counsel for the petitioner is that the selection of respondent No.4 for grant of distributorship of L.P.G. has been made

contrary to the guidelines. The guidelines provide that the resident of a particular district, i.e Palanpur, would be eligible only for grant of dealership which has to be granted at Siddhpur, whereas the respondent No.4 is resident of District Mehsana.

2. I do not find any merits in this contention of the learned counsel for the petitioner. Selection of respondent No.4 for grant of dealership of L.P.G. has been made by the Selection Board and Indian Oil Corporation. The aforesaid two authorities have to decide regarding allotment of distributorship to respondent No.4. This matter has to be decided by those authorities on the basis of evidence produced by the respondent No.4 and reach to a conclusion by those two authorities on the basis of aforesaid evidence about residence of respondent No.4. Such a decision does not ordinarily call for any interference of this Court. Sufficiency or otherwise of the evidence is not matter to be taken by this Court under Article 226 of the Constitution. This Court will also, sitting under Article 226 of the Constitution, not reappreciate evidence. This matter would not come within purview of judicial review by this Court in a petition filed under Article 226 of the Constitution. It is a settled law that even if on the same set of evidence two views are possible then the view taken by the authorities below should not be interfered by this Court.

3. The next contention of the learned counsel for the petitioner is that the income of respondent No.4 at the relevant time exceed Rs.24,000/- p.a. and as such, he was not eligible for grant of distributorship in question is also devoid of any substance. The respondent No.4 has filed affidavit before the Selection Board regarding his income. On the basis of that evidence in the form of affidavit, the Selection Board has to reach to its satisfaction regarding income eligibility criteria of respondent No.4 and in case the affidavit has been relied upon and the respondent No.4 was considered to be eligible for grant of distributorship in question, that finding does not call for any interference of this Court. This Court will not sit as an appellate Court over the findings recorded by the Selection Board and I.O.C. It is not the case of the petitioner that the members of Selection Board have acted malafidely or they were biased in favour of respondent No.4. Much emphasis has been laid by the learned counsel for the petitioner on the question that the guidelines by which field investigation report is dispensed with is bad. It is not the case that in all the cases, field investigation report is dispensed

with. This report may not be necessary or may be dispensed with in a case where a candidate filed an affidavit in support of the particulars stated by him in the application. So, it is a matter of procedure and what evidence on a given point should be there and in what form is exclusively in the domain of Oil Selection Board or the authority who framed the guidelines. This Court, sitting under Article 226 of the Constitution will not decide what type of evidence will be sufficient to come to a particular conclusion regarding income eligibility criteria. The guidelines are to be laid down for all the applicants and I fail to see any justification in the grievance made by the petitioner, qua, dispensing with the field investigation report, in the case where evidence has been filed regarding eligibility of the applicant. No other point has been raised by the learned counsel for the petitioner.

4. Taking into consideration totality of facts of the case, I do not find any substance in this Special Civil Application and the same deserves to be dismissed. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged. No order as to costs.

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(sunil)